

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of) Examiner: A. Ragonese
Inventors: Simhambhatla et al.)
Serial No.: 09/713,384) Group Art Unit: 3749
Filed: November 14, 2000) Docket No.: ACSC 60540 (1618P)
For: **DIMENSIONALLY STABLE AND**)
GROWTH CONTROLLED)
INFLATABLE MEMBER FOR A) December 12, 2002
CATHETER)

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GROUP 3700

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action of September 12, 2002 received in the above-referenced patent application, consideration of the following remarks and reconsideration of the patent application is respectfully requested. Claims 9-16 and 21 remain pending.

Claims 9-12, 15, 16 and 21 were rejected under 35 U.S.C. §102(b) as anticipated by Weber et al. (U.S. Patent No. 5,759,172). The reference is directed to a catheter having a lobed balloon wherein sections of high compliance are combined with sections of low compliance. Upon inflation, the sections of high compliance define expanded lobes while the sections of low compliance define channels therebetween. With regard to the rejection of claim 9, it is respectfully submitted that the

cited reference makes absolutely no suggestion that the balloon is to exhibit two stage compliance wherein a compliance within a first pressure range allows the balloon to expand to a desired working diameter while substantially less compliance is exhibited at higher pressures. It is respectfully submitted that merely the inclusion of cross-linked sections in a balloon as described at column 4, lines 28-38 of the reference would not necessarily yield such two stage compliance, let alone that the transition from higher compliance to lower compliance would occur at the desired working diameter. It is therefore respectfully submitted that anticipation of claim 9 is effectively precluded. Moreover, because the reference merely teaches the use of a combination of high compliance and low compliance materials, it is respectfully submitted that a balloon that exhibits a **change** in compliance cannot be considered obvious thereover.

With regard to the rejection of independent claim 10, it is respectfully submitted that the claim clearly requires the longitudinally extending stiffening zones to expand **with** the adjacent portions of the balloon to form a substantially **cylindrical** shape. In stark contrast thereto, the cited reference clearly teaches away from such a stiffening configuration as the stiff sections 16 of the reference are configured not to expand or to expand only minimally so as to yield a lobed balloon. It is therefore respectfully submitted that anticipation as well as obviousness is avoided by claim 10 and all claims depending therefrom.

With regard to the rejection of claim 21, it is respectfully submitted that the cross-linked material described by the cited reference forms **sections** of the balloon (column 4, lines 28-31), rather than a coating **on** the balloon to effectively avoid anticipation. In view of the failure of the

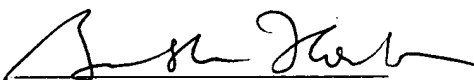
reference to suggest the use of coatings of any kind to control the dimensions of the balloon, let alone its axial growth, it respectfully submitted obviousness is similarly avoided.

Claims 13 and 14 were rejected under 35 U.S.C. § 103(a) as obvious over Weber et al. in view of Chen et al. (U.S. Patent No. 5,565,523). In view of the non-obviousness of underlying independent claim 10 as argued above, it is respectfully submitted that any claims depending therefrom are similarly non-obvious.

In light of the above amendments and remarks, applicants earnestly believe the application to be in condition for allowance and respectfully request that it be passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 

Gunther Hanke

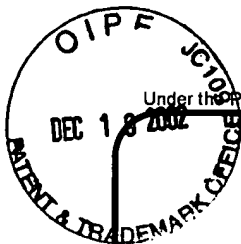
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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>	Application Number	09/713,384
	Filing Date	11/14/2000
	First Named Inventor	Murthy V. Simhambhatla
	Group Art Unit	3749
	Examiner Name	A. Rogonese
Total Number of Pages in This Submission 4		Attorney Docket Number ACSC 60540 (1618P)

ENCLOSURES (check all that apply)		
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Remarks <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		 24201 PATENT TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	FULWIDER PATTON LEE & UTECHT, LLP Gunther O. Hanke, Esq., Reg. No. 32,989
Signature	 <div style="text-align: right; font-weight: bold; font-size: 1.2em;">GROUP 3700</div>
Date	December 12, 2002

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